

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
DAVID ALAN COHEN,  
Defendant.

Case No. 2:17-cr-00114-APG-CWH

## **AMENDED ORDER**

10 This matter is before the court on defendant David Alan Cohen's motion for summary  
11 judgment (ECF No. 207), filed on February 26, 2018.<sup>1</sup> The government did not file a response.

12 Mr. Cohen is a pre-trial detainee in the custody of the Southern Nevada Detention Center.  
13 Mr. Cohen states the detention center requires him to wear polyester boxer shorts rather than  
14 cotton briefs or boxer briefs, his undergarments of choice. Mr. Cohen further states the polyester  
15 boxer shorts are uncomfortable and have aggravated a skin condition in his groin area. According  
16 to Mr. Cohen, female detainees are issued briefs, and transgender detainees are issued their choice  
17 of briefs or boxer briefs. Mr. Cohen argues the detention center's policies regarding men's  
18 undergarments are constitutionally infirm and seeks damages under 42 U.S.C. § 1983.

19 The Federal Rules of Criminal Procedure do not provide for motions for summary  
20 judgment or otherwise set forth procedures for addressing Mr. Cohen's concerns regarding his  
21 undergarments or other conditions of confinement. To the extent Mr. Cohen seeks to challenge  
22 the conditions of his confinement under 42 U.S.C. § 1983, he may file a civil complaint.

25       <sup>1</sup> Mr. Cohen personally filed his motion for summary judgment although he is represented by an  
26 attorney. Under Local Rule IA 11-6(a), “once an attorney makes an appearance on behalf of a party, that  
27 party may not personally file a document with the court; all filings must thereafter be made by the  
28 attorney.” While the court waives Local Rule IA 11-6(a) for the limited purpose of this motion, Mr.  
Cohen is advised that going forward, the court will not consider motions unless they are filed by his  
attorney.

1 IT IS THEREFORE ORDERED that defendant David Alan Cohen's motion for summary  
2 judgment (ECF No. 207) is DENIED.

3 IT IS FURTHER ORDERED that the court's previous order (ECF No. 211) on Cohen's  
4 motion for summary judgment is VACATED.

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6 DATED: April 3, 2018

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C.W. HOFFMAN, JR.  
UNITED STATES MAGISTRATE JUDGE

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